

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,914	03/31/2004	Matthew Scelig	A-03.78	5072
7590 08/30/2006			EXAMINER	
Arthur Jacob			SHAFFER, RICHARD R	
25 East Salem S	Street			
P.O. Box 686			ART UNIT	PAPER NUMBER
Hackensack, NJ 07601			3733	
		DATE MAILED: 08/30/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

0	\sim
γ	1

	Application No.	Applicant(s)				
	10/813,914	SEELIG ET AL.				
Office Action Summary	Examiner	Art Unit				
	Richard R. Shaffer	3733				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)⊠ Responsive to communication(s) filed on 19 J	lune 2006.					
•						
,	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4)⊠ Claim(s) <u>1-14</u> is/are pending in the application.						
4a) Of the above claim(s) <u>12-14</u> is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-11</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/o						
Application Papers						
9) The specification is objected to by the Examin	er.					
10)⊠ The drawing(s) filed on <u>19 June 2006</u> is/are: a)□ accepted or b)⊠ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)	,					
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail D	ate				
 Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date 	5) Notice of Informal F 6) Other:	atent Application (PTO-152)				

Art Unit: 3733

DETAILED ACTION

Drawings

The drawings are objected to because the figure sheets are not numbered. While the figures are labeled, the sheets they are on, are not. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1-11 are objected because it is unclear whether applicant is positively reciting the pin in claim 1. One could interpret the pin as being functionally recited instead of positively recited. Correction is encouraged should applicant be positively

Application/Control Number: 10/813,914

Art Unit: 3733

reciting the pin in combination with the instrument for gripping. In the meantime, the claims are interpreted as not positively reciting the pin.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Dupuis (US Patent 4,028,790).

Dupuis discloses a device (**Figures 1-4**) comprising: a pin (**46**) clearly having an en; a first handle (**40**); a second handle (**16**, **17**); a plunger (**43**) coupled to the first and second handles; the plunger pushes against a working member (slides away from first handle **40**) when second handle (**16**, **17**) is pulled (see **Column 3**, **Lines 10-30**); a gripping mechanism including first and second gripping elements (at top **35**, at bottom **35** in **Figure 1**) with a gripping surface (top **36**) and gripping finger (bottom **36**); the gripping surface and gripping finger are moved laterally toward one another when the second handle is activated; the first gripping element (top **35**) is integral with the first handle member (**40**) due to being one piece when assembled; the gripping surface (top **36**) has a roughed surface for engaging the roughed surface (See **Figure 1**) of the pin (**46**); a linkage system (**30**, **34**) couples the second handle with the gripping fingers (bottom **36**); the plunger (**43**) has an internal contour complementary to another portion of the pin (located to the right of the roughed surface at bottom/top **36** in **Figure 1**); the

Art Unit: 3733

pin can be cylindrical (Column 3, Lines 60-65) thus defining a partially cylindrical contour for the plunger (43) as well as the gripping surface (top 36 with threaded hole split into two portions between top and bottom 36); a biasing mechanism with spring (34); and an actuator (41) including an arm (17) from the second handle member (16, 17).

Response to Arguments

Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard R. Shaffer whose telephone number is 571-272-8683. The examiner can normally be reached on Monday-Friday (7am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached on 571-272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/813,914 Page 5

Art Unit: 3733

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Richard Shaffer August 25th, 2006

Dichard Shaffer

EDUARDO C. FOBERT SUPERVISORY PATENT EXAMINER